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EXAMINER

RIES, LAURIE ANNE

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PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN G. HENRY

Appeal 2007-4419
Application 10/025,043
Technology Center 2100

Decided: July 8, 2008

Before JOSEPH L. DIXON, JEAN R. HOMERE, and STEPHEN C. SIU,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-34. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

BACKGROUND

Appellant's invention relates to a method and apparatus for accessing network data associated with a document. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method for accessing network data associated with a document, comprising:

converting at least a portion of said document to electronic format with a digital capture input device, the at least a portion of said document having one or more indicia thereon, the digital capture input device being operatively associated with a network;

analyzing the at least a portion of said document in electronic format to obtain said one or more indicia;

using said one or more indicia to locate said network data, said network data not including said document, said network data being maintained at another device operatively associated with the network; and

automatically accessing said network data.

PRIOR ART

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Mitchell
Block

US 5,963,966
US 6,295,543 B1

Oct. 5, 1999
Sep. 25, 2001

REJECTIONS

Claims 1-7, 9-12, 14-22, 24-27, and 29-34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mitchell. Claims 8 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell. Claims 13 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell and Block.

Rather than reiterate the conflicting viewpoints advanced by the Examiner and Appellant regarding the above-noted rejection, we refer to the Examiner's Answer (mailed March 2, 2007) for the reasoning in support of the rejections, and to Appellant's Brief (filed November 28, 2006) and Reply Brief (filed April 27, 2007) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have carefully considered Appellant's Specification and claims, the applied prior art references, and the respective positions articulated by Appellant and the Examiner. As a consequence of our review, we determine the following.

From our review of the Examiner's rejection in the Answer at pages 4-9, we find that the Examiner has at least set forth a sufficient initial showing of anticipation of independent claim 1. The Examiner has set forth a reasoned analysis with respect to each of the claimed elements in independent claim 1 and identified corresponding teachings in Mitchell for the invention as recited in independent claim 1. Therefore, we look to Appellant's Brief for a showing of error in the Examiner's analysis, claim interpretation, or application of the teachings of Mitchell.

Appellant's main contention is that Mitchell's hyperlinks do not comprise "network data" in the context of the pending claims and that the hyperlinks the Examiner relies upon are merely pointers to other parts of the same document. (App. Br. 12). Additionally, Appellant contends that the teachings of Mitchell in this regard are ambiguous and that an ambiguous reference cannot be used to support a rejection based upon anticipation. (App. Br. 12). Appellant further contends that even if Mitchell is unambiguous with regards to "network data" then "Mitchell fails to provide an enabling disclosure as to the type, identification, access, and retrieval of "network data" (in the language of the pending claims)." (App. Br. 12).

We disagree with each of Appellant's arguments above. We find that the Examiner has set forth a reasoned interpretation of the broad language of independent claim 1 and has clearly identified the interpretation of the hyperlinks as identifying additional "network data." Here, we agree with the Examiner and find that the hyperlinks identify four (4) other pages to control the document. The four pages are the index page containing the table of contents, the section page containing the beginning of the section, the previous page of the document, and the next page of the document. Mitchell additionally teaches that "links to other pages or HTML documents can also be inserted as needed for special formats." (Mitchell, col. 7, ll. 51-53). Here, we find that Mitchell teaches hyperlinks to the internal document to make it a more useful and applicable electronic document and that additional hyperlinks to plural "documents" outside the electronic document may be part of the electronic document.

Therefore, when the document is used and the user actuates the hyperlink to a document outside the electronic document, then that hyperlinked content ("network data") would have been automatically located in the network, being maintained at another device operatively associated with the network, and automatically accessed that network data/hyperlink document. Therefore, we do not find Appellant's argument that Mitchell does not teach "network data" to be persuasive of error in the Examiner's initial showing of anticipation. Nor do we find Appellant's argument that the teachings of Mitchell are ambiguous to be persuasive of error in the Examiner's initial showing of anticipation. Finally, we do not find Appellant's argument that Mitchell does not provide an enabling disclosure as to type, identification, access, and retrieval of network data to be persuasive of error in the Examiner's initial showing of anticipation since we find no differentiation between hyperlinks.

We find that a hyperlink which points internal to the document and a hyperlink which points external to the document to be similarly enabled wherein it is merely the address of the content which is different. Both hyperlinks identify content either at the same or a different location which must be retrieved/accessed and delivered to the user upon actuation.

Appellant identifies at page 15 of the Brief how Appellant interprets the cited language of Mitchell. While Appellant has a varied interpretation from that which the Examiner has set forth, and Appellant contends that the Examiner's construction would be unreasonable in light of the other teachings of Mitchell, Appellant has not set forth a sufficient reasoned

explanation of why the express language of Mitchell does not teach the invention as set forth in the express language of independent claim 1 as the Examiner has set forth in the Answer.

In this case, the Examiner has set forth a reasoned interpretation and analysis of both the claimed invention and the teachings of Mitchell. We find that Appellant has not adequately rebutted this showing. Here, Mitchell identifies "other pages or HTML documents." We find the teachings of "other... documents" to be more than just the pages of the same document and find the Examiner's interpretation to be reasonable.

Appellant argues that the teaching of Mitchell is non-enabling as to whether hyperlinks could be used to access information outside the document itself and that Mitchell contains no further description of the nature of such data that would be "other than the document itself." Appellant further contends that Mitchell does not provide any examples of such data as in the instant Specification. Appellant's Specification at pages 4-5 states that:

[o]ne advantage that may be realized by an embodiment of the invention is that it may allow users to obtain additional information (e.g., price, options, specifications, coupons, purchase order forms, purchase incentives, company information, warranties, etc.) about a document, (e.g., advertisement, newspaper article, magazine article, etc.) for which they have an interest.

Here, we do not find Appellant's reliance upon the instant Specification to be persuasive of error in the Examiner's initial showing of anticipation since the identified support and distinction clearly identifies a relationship of the information is about the document wherein the instant claimed invention does not clearly set forth that the "network data" is "about

a document.” Therefore, Appellant’s argument is not persuasive of error in the Examiner’s initial showing of anticipation since we do not find express support for the argument in the language of independent claim 1.

Since Appellant has not shown error in the Examiner’s initial showing of anticipation, we will sustain the rejection of independent claim 1 and independent claims 15, 29, and 34, which Appellant has elected to group with independent claim 1. Similarly, we will sustain the rejection of dependent claims 2-7, 9-12, 14, 16-22, 24-27, and 30-33, which Appellant has elected to group with the respective independent claims.

35 U.S.C. § 103

With respect to the Examiner’s rejections based upon obviousness, Appellant maintains the same contentions with respect to the Examiner’s rejections and opines that the Examiner’s rejections are improper in that it is unreasonable to view Mitchell’s hyperlinks as corresponding to “network data” of the pending claims. As discussed above with respect to independent claim 1, we do not find Appellant’s argument to be persuasive of error in the Examiner’s interpretation of the instant claimed language and the interpretation of the teachings of Mitchell. Therefore, we do not find Appellant’s argument persuasive of error in the Examiner’s initial showing of obviousness. Therefore, we sustain the rejection of dependent claims 8 and 23. Similarly, Appellant advances the same arguments with respect to the combination of Mitchell and Block. Since we did not find Appellant’s argument persuasive above, we will sustain the rejection of dependent claims 13 and 28 since Appellant has not shown error in the Examiner’s initial showing of obviousness.

CONCLUSION

To summarize, we have sustained the rejection of claims 1-7, 9-12, 14-22, 24-27, and 29-34 under 35 U.S.C. § 102, and we have sustained the rejection of claims 8, 13, 23, and 28 under 35 U.S.C. § 103(a)

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

pgc

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